

REMARKS**INTRODUCTION:**

In accordance with the foregoing, claims 4-6 and 18-21 have been cancelled without prejudice or disclaimer. No new matter is being presented, and approval and entry are respectfully requested.

Claims 14, and 16-17 are under consideration and have been allowed. Reconsideration is respectfully requested.

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:

Applicant requests entry of this Rule 116 Response and Request for Reconsideration because:

- (a) the rejected claims have been canceled; and
- (b) it is believed that the cancellation of claims 4-6 and 18-21 put this application into condition for allowance.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 35 U.S.C. §102:

In the Office Action, at pages 2-4, claims 18-21 were rejected under 35 U.S.C. §102(b) as being anticipated by Kitano et al. (USPN 5,608,265; hereafter, Kitano). This rejection is traversed and reconsideration is requested.

Claims 18-21 have been cancelled. Thus, the rejection of claims 18-21 under 35 U.S.C. §102(b) as being anticipated by Kitano et al. (USPN 5,608,265) is now moot.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at pages 4-6, claims 4-6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kitano et al. (USPN 5,608,265) in view of Itabashi et al. (USPN 6,300,244; hereafter, Itabashi). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Claims 4-6 have been cancelled. Thus, the rejection of claims 4-6 under 35 U.S.C. §103(a) as being unpatentable over Kitano et al. (USPN 5,608,265) in view of Itabashi et al. (USPN 6,300,244) is now moot.

ALLOWABLE SUBJECT MATTER:

Claims 14, 16 and 17 were allowed.

Applicant thanks the Examiner for his careful consideration and allowance of claims 14, 16 and 17.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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